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Notice of Allowability	Application No.	Applicant(s)	
	10/814,411	EASTBURN, DAVID LEE	
	Examiner	Art Unit	
	Linda Wong	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/2006.
2. ☒ The allowed claim(s) is/are 3-11, 14-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S STATEMENT OF REASON FOR ALLOWANCE

Response to Arguments

1. Applicant's arguments, see Applicant's Remarks, filed 2/27/2006, with respect to McLean (US Patent No.: 6486769) in view of Flammer, III et al (US Patent No.: 5471469) have been fully considered and are persuasive. The 35 USC 103 of claims 3-11, 14-18, 21, 22, 24 have been withdrawn.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Related Conventional Inventions:

One conventional form of changing the carrier frequency when hopping is changing the carrier frequency based on a predetermined sequence. Flammer III et al disclose a communication system, wherein a change of frequency or a hop occurs "according to the band plan at specified intervals and the channel hopping band plan of each receiver node is known to all nodes in the network". (Col. 3, lines 1-4 and Col. 2, line 67) Flammer III et al discloses a poll packet system along with frequency hopping, wherein the source node "transmits a poll packet that polls the target node to determine whether the target node is able and willing to accept a specified number of data packets." The poll packet system monitors acknowledgements of whether transmission has been completed. (Col. 3, lines 1-

10) Such a method of frequency hopping is different from the applicant's claimed invention.

Applicant's Invention:

The applicant's discloses an invention in a RFID system using frequency hopping as a method for regulating transmission of a signal to different remote transponders, wherein a change of frequency is forced or suddenly changed based on the availability time of the carrier frequency and estimated transmission time for performing the current transmission. (Abstract) The applicant discloses a system comprising a transmitter, receiver, and a processor, wherein the processor determines an estimate of the amount of time necessary for transmission of a signal, determines the time available of a first carrier frequency, when the amount of time necessary for performing the transmission of a signal is greater than the amount of available time on a first carrier frequency is detected, the processor will force a hop or change the first carrier frequency to a second carrier frequency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Wong whose telephone number is 571-272-6044. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linda Wong

A handwritten signature in black ink, appearing to read 'Linda Wong', with a horizontal line underneath.

DACHA
PRIMARY EXAMINER